

TEST CODE 6 1 2 2 0 1

FIAS – MGP 2023 – Cohort 13 Alt – Sectional Test #1

Time Allowed : Three Hours  
समय : तीन घंटे

ForumIAS

Maximum Marks : 250  
अधिकतम अंक : 250

## GENERAL STUDIES / सामान्य अध्ययन

Name Of Candidate परीक्षार्थी का नाम	Paarnita Jhalari		
Roll No./अनुक्रमांक	1910128179	Medium/माध्यम	English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/>
Center Code/परीक्षा केंद्र	1900	Date/दिनांक	12-07-23

\*Center Code : For Online - 1900 / Delhi : Karol bagh - 1901, ORN - 1902, Mukharji Nagar - 1903 / Patna : Boring Rd. - 2001 / Hyderabad : Jawahar Nagar - 2101

## INDEX TABLE / अनुक्रमणिका

## INSTRUCTION / अनुदेश

Q. No. प्र.सं.	Max. Marks अधिकतम अंक	Marks Obtained प्राप्तांक
1		
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Total/कुल अंक	250	

1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.

कृपया उत्तर-पुस्तिका में नाम, ईमेल, रोल नंबर और मोबाइल नंबर भरें।

2. There are TWENTY questions printed in ENGLISH &amp; HINDI, all questions are compulsory.

उत्तर पुस्तिका में अंग्रेजी/हिंदी में बीस प्रश्न दिए गए हैं, सभी प्रश्न अनिवार्य हैं।

3. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के लिए निर्धारित अंक उसके सामने अंकित किए गए हैं।

4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided.

उत्तर प्रवेश पत्र में अधिकृत माध्यम में लिखे जाने चाहिए, जो कि दिए गए स्थान में इस प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के कवर पर स्पष्ट रूप से लिखा जाना चाहिए।

5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off.

प्रश्नों में शब्द सीमा, यदि निर्दिष्ट हो, का पालन किया जाए। प्रश्न-सह-उत्तर पुस्तिका में खाली छोड़े गये किसी भी पृष्ठ या पृष्ठ के भाग को स्पष्ट रूप से काट दें।

## For Student Only / केवल परीक्षार्थी प्रयोग हेतु

Examiner's Discretion/मूल्यांकन कर्ता का विवेक :

Start Time/प्रारंभ करने का समय :

End Time/समाप्त करने का समय :

Total Marks/कुल अंक :

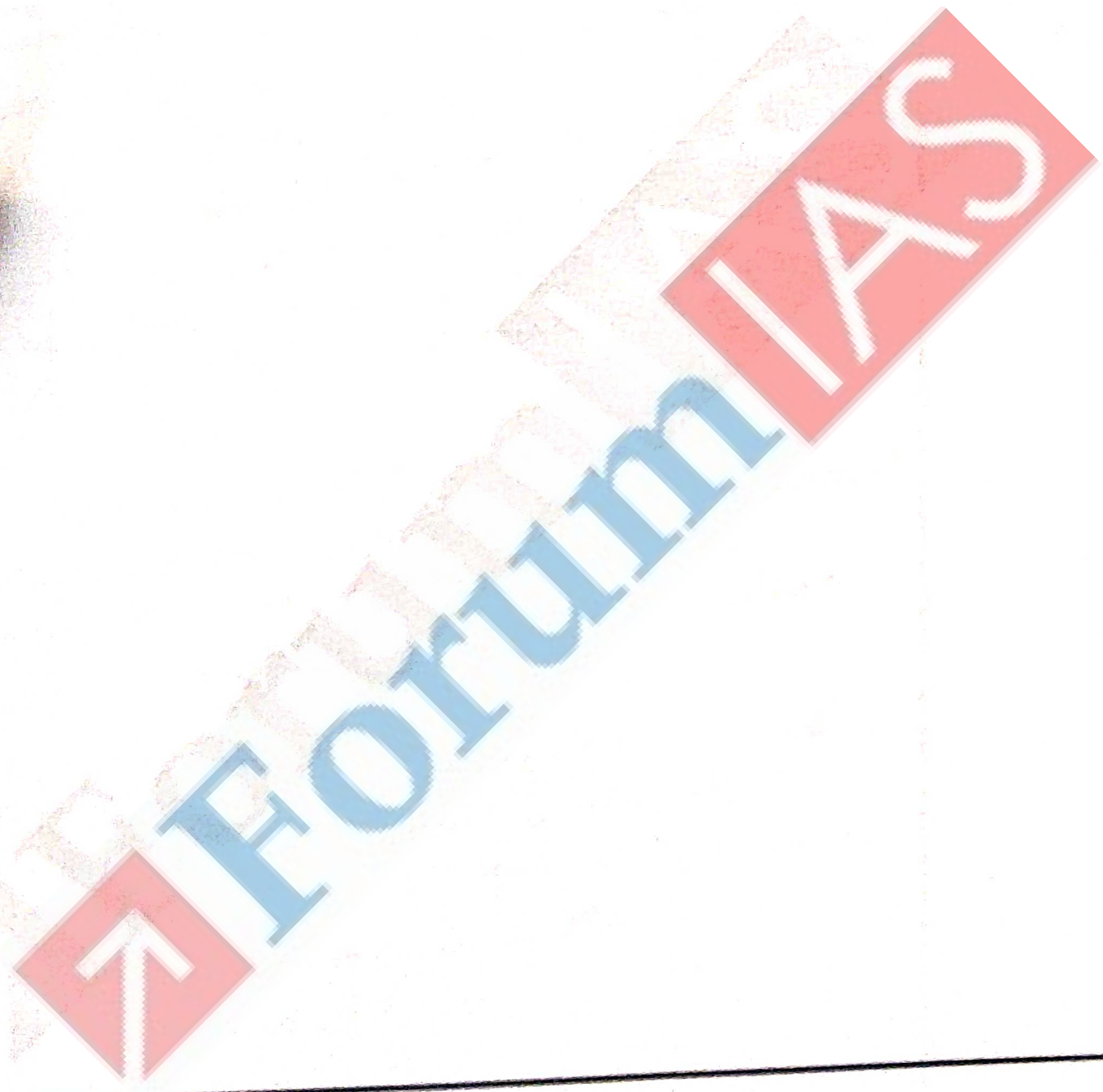
Mode Of Examination/  
परीक्षा की विधि :Online/ऑनलाइन Offline/ऑफलाइन 

\*Examiner's Discretion is the marks awarded at the discretion of the examiner based on your overall impression, on the basis of the

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your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor centre to meet mentor (all 7 days, Timings - 11 AM to 6 PM). Further if you are unsatisfied you can seek re-evaluation of the copy.

## EXAMINER'S REMARKS



### FEEDBACK SECTION AT THE END OF EACH QUESTION

**What is Asked.** This means whether you have addressed the core demand of the question or not. Addressing the core demand of the question is an objectively fair score. It is examiner's perception if you have understood the question and if you know the answer in the first place. Writing, sometimes missing the core demand, may fetch very high or very low scores, and exposes your answer to the subjectivity of the examiner.

**Content Density & Value Addition.** Examiner will evaluate the quality and quantity of your content in the answer. In the same word limit and you (a) written what is asked (b) gone beyond what is asked (c) enriched answers through combination of ( but not all) suggestions, ideas, facts, diagrams, facts and figures, data etc. This affects objective components of assessment.

**Structure & Flow** = Whether you have structured your answer properly or not. Whether the answer has been broken into parts and sub-parts and whether all the points are addressed appropriately or not. Whether the flow of the answer is maintained. Affects both subjective and objective components of assessment.

**Presentation** = How your answer performs on the criteria of presentation, ease of read, clarity and apparent effort in writing the answer. This affects the subjective components of assessment.

Q.1) Basic structure doctrine has prevented the Parliament, a creature of the constitution, from becoming the master of the constitution. Discuss this statement with the help of relevant case laws. (10 marks, 150 words)

बुनियादी संरचना सिद्धांत, संविधान का सृजन, ने संसद को संविधान का स्वामी बनने से रोक दिया है। प्रासंगिक केस कानूनों की मदद से इस कथन पर चर्चा कीजिए। (10 अंक, 150 शब्द)

The Basic structure doctrine was propounded by the Supreme Court (SC) in the landmark Kesavananda Bharati Case. It is an implied limitation on the power of the Parliament to amend the constitution. i.e. certain basic tenets of the constitution cannot be violated. Ex: Secularism, Federalism

It was also upheld in the Minerva Mills Case which overturned certain portions of the amendment which tried to curtail the power of judicial review which is a part of the basic structure.

It was also upheld in the Waman Rao and IR Coelho Case wherein it was upheld that any additions / amendments to the IX<sup>th</sup> schedule after 24 April 1973 can be tested on the tenets of basic structure.

The Basic structure doctrine overturned previous court judgements in Sajjan Singh and Shankari Prasad Case which had upheld the power of Parliament to amend the constitution as supreme.

### Pa cons of Basic Structure

- The unelected judiciary is imposing limits on elected representative
- TYRANNY OF THE UNELECTED
- Can be subjective
- The judiciary has expanded the remit of basic structure in subsequent judgements, further reducing parliament's power.
- NOT mentioned in constitution. Judicial overreach

### Benefits

- Prevents autocracy, ~~dem~~ tyranny
- Preserves certain basic constitutional ideals like democracy, secularism
- Other countries like Sri Lanka have also adopted a similar provision
- CJI called it the best guiding star.
- Been sparingly used.

Thus, though the doctrine of basic structure imposes limits on the powers of the Parliament to amend, it held to preserve and safeguard the tenets that we fought for in the freedom struggle and safeguard India as a secular, democratic, federal state.

#### Feedback

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⊙ = Good  
Ⓐ = Average  
Ⓟ = Poor

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Q.2) The power of pressure groups lies not in their size or elaborate organization, but in their ability to mobilize public opinion and create lasting change. With help of relevant examples, discuss how informal pressure groups shape public policy. (10 marks, 150 words)

दबाव समूहों की शक्ति उनके आकार या विस्तृत संगठन में नहीं, बल्कि जनता की राय जुटाने और स्थायी परिवर्तन लाने की उनकी क्षमता में निहित है। प्रासंगिक उदाहरणों की सहायता से चर्चा कीजिए कि अनौपचारिक दबाव समूह सार्वजनिक नीति को कैसे आकार देते हैं। (10 अंक, 150 शब्द)

Informal pressure groups are groups of people coming together for a common cause or agenda and to voice their needs.

There are various types of pressure groups

- ~~College~~ Student Body Eg NSUI
- Trade Union AITUC
- Commercial : CII
- Farmers : BKU

Their size is not important, but what matters is how they leverage resources to mobilize public opinion & govt policy.

Ex: CII is a relatively small numbered pressure group but exercises tremendous pressure on public policy due to its composition of rich, well placed individuals who can leverage their resources & economic might to sway proposals in their favour.

Ex: The Lokpal Bill was passed due to immense pressure from activists like Anna Hazare, Medha Patkar, Jai Narayan. They mobilised tens of thousands of followers & created lasting change.

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We have Ombuds men & greater transparency in public offices thanks to their efforts.

Ex: The Bharatiya Kisan Sangathan (BKS) and other pressure groups led a prolonged protest against Farmer laws passed by the Union govt. They eventually succeeded & the govt repealed the Farm laws, thereby changing public policy.

However, these pressure groups have also been criticised:

- Narrow interests.
- May have competing interests  
(Ex: Commercial pressure groups may clash with Trade Unions)
- May ~~have~~ be funded by clandestine groups with a vested agenda.

However, despite this, pressure groups remain a crucial bedrock of democracy. They mobilize attention to their cause and fight for their interests, which is even more crucial if they represent marginalised and weaker sections.

We must strive to protect their Freedom of speech & Expression, Freedom of Association and right to organise & Dissent. That ~~is~~ will reinforce India's democratic credentials.

### Feedback

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- Ⓒ = Good
- Ⓐ = Average
- Ⓟ = Poor

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Q.3) Analyse the reasons for degeneration of parliamentary functioning in recent time. Also, suggest measure to make the parliament more productive. (10 marks, 150 words)

हाल के समय में संसदीय कामकाज में आई गिरावट के कारणों का विश्लेषण कीजिए। साथ ही, संसद को अधिक उत्पादक बनाने के उपाय सुझाएं। (10 अंक, 150 शब्द)

Parliamentary Functioning has deteriorated in recent times with fewer bills passed, fewer sitting days, more frequent disruptions, and less bills given to the DSRs to scrutinize. More & more bills are also being quiltioned and there is less debate and discussion.

Reasons :

- Frequent disruption by opposition party leaders
- ~~No~~ Increase in boycotts of Parliamentary proceedings by opposition MPs.
- Ex: ~~Some~~ protests were <sup>recently</sup> held after wayanad MP was disqualified
- Opp. MPs may enter well of the house
- Perceived partisanship of the speaker in sticking down some of the Parliamentary proceedings, breach of Parliamentary privileges,
- Insufficient time being allotted to Opp MPs.
- Instances of throwing clippers in the past

Measures to improve productivity

- Give ~~more~~ greater percentage of bills to DSRs to scrutinize to encourage debate & discussion

- Give allot adequate time to opp MPs to raise their demands & grievances.

- The speaker must be neutral and objective in listening to demands.

We could adopt solutions like 'once a speaker, always a speaker' as is practiced in the UK for non-partisanship.

Parliament is a bedrock of democracy. Early Parliamentarians had utmost reverence & respect for this hallowed institution and efforts must be made to transform it into a chamber where represented electives can come together to discuss, debate, and preserve our democratic spirit and ideals.

**Feedback**

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Q.4) Subordination of investigative agencies to the executive is fraught with disastrous consequences. Discuss the statement in light of the criticism of the Central Bureau of Investigation as a "caged parrot".  
(10 marks, 150 words)

जांच एजेंसियों का कार्यपालिका के अधीन होना विनाशकारी परिणामों से भरा है। केंद्रीय जांच ब्यूरो की 'पिंजरे में बंद तोता' के रूप में आलोचना के आलोक में इस कथन की चर्चा कीजिए।  
(10 अंक, 150 शब्द)

The Central Bureau of Investigation is a non-statutory, non-constitutional body established by an executive order and is under direct control of the ~~reserved~~ Union Govt - ~~Ministry~~ <sup>Dept</sup> of Personnel, Training & Grievances. This means it is not responsible or accountable to Parliament and is completely under the control of the Executive.

In recent times, many ~~states~~ states have withdrawn consent to the CBI to undertake investigations in their states. This comes at a time when the CBI is increasingly being perceived as a 'caged parrot'.

Reasons:

- Executive control over the appt. of CBI Director and other officers in CBI
- Belief that investigations of corruption etc by the CBI are skewed towards opp. leaders.

Way Forward :

- Have a committee to ~~select~~ appoint CBI Director & other ~~senior~~ <sup>senior</sup> officers consisting of PM, leader of Opposition, CJI.
- Give CBI statutory status to make it more accountable & transparent.
- Increase security of tenure of appointees to ensure neutrality and objectivity.
- Confidence building measures with states and other stakeholders.

CBI was once considered a most efficient, investigation body, and cases of national importance were entrusted to it to ensure that better justice could be done.

This perception must be restored and CBI must reclaim its position as a premier investigating body.

**Feedback**

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A = Average

P = Poor

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Q.5) The Election Commission of India has a vital role in building a robust framework of electoral democracy. Highlighting challenges associated with the functioning of ECI, suggest measures to reform the body.

(10 marks, 150 words)

चुनावी लोकतंत्र के एक मजबूत ढांचे के निर्माण में भारत के चुनाव आयोग की महत्वपूर्ण भूमिका है। भारत के चुनाव आयोग के कामकाज से जुड़ी चुनौतियों पर प्रकाश डालते हुए, इस निकाय में सुधार के उपाय सुझाएं। (10 अंक, 150 शब्द)

The Election Commission of India (ECI) is a constitutional body established under Article 324 of the constitution. It has the mandate for conducting elections in India in a free and fair manner.

### Challenges

- one major challenge in the functioning of the ECI used to be that the ECI was appointed by the Executive, so it was believed that they owed their loyalty to the govt. However, the Supreme Court recently <sup>presided</sup> said that the <sup>chief</sup> Election Commissioner will be appointed by a 3 member Committee - PM, leader of Opp, CJI.
- Lack of security of tenure of the Election Commissioners, unlike CEC who is removed in the same manner as a SC judge
- They rely on govt for secretarial staff and other resources

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- Model code of conduct does not have statutory backing.
- No restriction on post retirement appointment

## Way Forward

- ECs should get security of tenure
- Independent secretariat staff
- MCC should get backing

We should use the example of legendary officers like TN Seshan, who was instrumental in reforming the EC, as a guiding framework.

Else the ECI must be a fair, impartial and objective body. Only then will it be able to exercise its crucial constitutional mandate.

### Feedback

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- G = Good
- A = Average
- P = Poor

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Q.6) Anti-defection law has failed to address and resolve the evil of political defection satisfactorily. Discuss various issues surrounding the Anti-defection law and recommend some corrective measures. (10 marks, 150 words)

दल-बदल विरोधी कानून राजनीतिक दल-बदल की बुराई को संतोषजनक ढंग से संबोधित करने और हल करने में विफल रहा है। दल-बदल विरोधी कानून से जुड़े विभिन्न मुद्दों पर चर्चा कीजिए और कुछ सुधारात्मक उपायों की सिफारिश कीजिए। (10 अंक, 150 शब्द)

The Anti Defection Law was introduced in the 10<sup>th</sup> schedule to prevent horse-trading and defection and promote stability in govt.

Objective :

- To protect democratic mandate
- Uphold choice of voter who voted for a particular party
- Ensure stability
- Prevent horse-trading
- Reduce role of money power

Provisions :

Key Issues :

- The ADL allows for an exception if ~~greater~~ <sup>2/3 rds</sup> there is a merger i.e. more than 2/3 rds people want to leave. However, this is just promoting wholesale trading.
- The decision on ADL is taken by the Speaker, instead of the EC.

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- The speaker does not have to give its decision in any specified time. So, there have been instances where no decision on Anti-Defection was taken ~~for~~ for months.
- In Kihoto Hollohan Case, the SC ruled that the speaker is not qualified to give the decision if disqualification proceedings are pending against him. This provision has frequently been misused by defecting legislators.

## Way Forward

- The SC has stepped in, urging speakers to take action on ADL in a time bound manner, <sup>and</sup> even ~~take~~ <sup>take</sup> disqualifying legislators.
- ADL should be decided by Pres on the aid and advice of EC.
- Decision must be taken in a time bound manner.
- Splits & mergers may be banned as they promote instability.

Defection is akin to betraying the people's mandate and must be severely discouraged and stringent penalties must be imposed on defection for personal gain.

### Feedback

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TOTAL MARKS

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Q.7) What do you mean by 'doctrine of essentiality'? How has judiciary used this doctrine to address conflict between various fundamental rights? Explain with examples.

(10 marks, 150 words)

'अनिवार्यता के सिद्धांत' से आप क्या समझते हैं? विभिन्न मौलिक अधिकारों के बीच संघर्ष को दूर करने के लिए न्यायपालिका ने इस सिद्धांत का उपयोग कैसे किया है? उदाहरण सहित स्पष्ट कीजिए। (10 अंक, 150 शब्द)

The Doctrine of Essentiality was propounded by the Supreme Court in the Shirur Mutt case (1954). It means that the court / Govt may interfere in the religious practices of a religion in order to bring about socio-religious reform so long as it does not violate any essential practice of the religion. ~~Non-essential~~ i.e. non-essential practices can be interfered with but essential practices must be preserved as destroying them would be akin to deleting the tenets of religion. The SC will decide which practice is essential. The judiciary has since used this doctrine multiple times:

1. Karnataka High Court ruled that Hijab is not an essential religious practice (ERP) under Islam. ~~They~~ They upheld Right to Equality (Art 14) over Right to Freedom of Conscience & Religion (Art 25)

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2. In the Sabamala Case, the SC invoked the doctrine of Essentiality. They argued that women must be allowed access to temple as not doing so would violate Right to Equality (Art 14) and is a form of untouchability imposed on women (Art 17). Thus, Art 14 & Art 17 upheld.

The SC has also decided to set up a 7 member bench to adjudicate on Sabamala case and practices of Female Genital Mutilation among the Dawoodi Bohra community.

The doctrine of essentiality has been criticised on grounds that it is a judicial innovation & the judiciary does not have the competence to decide which practices are essential.

However, it gives the state space to legislate to bring about socio-religious reform and uplift the position of women and 'lower' castes within the religious framework. It preserves essential tenets of religion while balancing fundamental rights and justice at the same time.

### Feedback

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Q4. The reliance on the ordinance making power by the government, not only dilutes the basic tenets of executive accountability in a parliamentary democracy, but also overlooks the democratic traditions of building consensus. Discuss with relevant examples. (10 marks, 150 words)

सरकार द्वारा अध्यादेश बनाने की शक्ति पर बार-बार निर्भरता न केवल संसदीय लोकतंत्र में कार्यकारी जवाबदेही के बुनियादी सिद्धांतों को कमजोर करती है, बल्कि आम सहमति बनाने की लोकतांत्रिक परंपराओं को भी नजरअंदाज करती है। प्रासंगिक उदाहरणों के साथ चर्चा कीजिए।

(10 अंक, 150 शब्द)

The ~~central~~ President is empowered to issue an ordinance under Article 123 and the Governor has similar powers under Art 213. Ordinances have the same power of a law of the Parliament / State legislature respectively. It is an extraordinary device devised to be able to make laws in case of an emergency when ~~the~~ either house of Parliament is not in session.

## Critique of Ordinance

- Dilutes parliamentary democracy
- Stifles debate & discussion
- Re promulgation of an ordinance is an aberration of democratic ideals
- It is often used when the govt is not sure of majority in the Parliament or it wants to pass a controversial bill without debate.
- It weakens separation of powers between executive and legislature

- The Executive oversteps its bounds and tries to bypass Parliamentary debate.
- Unpopular bills have been passed using this method.
- Repromulgation allows what gives an ordinance the same status as a law.

## Way Forward :

- Ordinances ~~do not~~ passed arbitrarily or with mala fide intention must be struck down by the Supreme Court.
- They should also check if <sup>an</sup> emergency was ~~really~~ truly there to warrant an ordinance.
- Repromulgation of ordinances should be disallowed.

In order to preserve and protect the principle of separation of powers, there must be stringent checks on ordinances and they must be duly scrutinized to prevent misuse by the Executive.

### Feedback

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(C) - Good  
(A) - Average  
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TOTAL MARKS	
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Q.9) "Bail not Jail" is the cardinal principle that upholds the sacrosanct ideas of individual's liberty and dignity. Explain the statement, citing various case laws. (10 marks, 150 words)

'जेल नहीं जमानत' वह प्रमुख सिद्धांत है जो व्यक्ति की स्वतंत्रता और गरिमा के पवित्र विचारों को कायम रखता है। विभिन्न केस कानूनों का हवाला देते हुए कथन को स्पष्ट कीजिए। (10 अंक, 150 शब्द)

'Bail not Jail' upholds the principle of Innocent ~~not~~ until proven guilty. With thousands of ~~individuals~~ <sup>undertrials</sup> languishing in jails this statement assumes paramount importance.

Recently, the CJI and the President of India also drew attention to the plight of undertrials.

### Critique of Bail

- Disproportionately affects the poor, weak, vulnerable, marginalised. Majority of undertrials are SC, ST or OBC.
- Violates principle of rule of law and equality before law.
- It violates liberty of individual without them even being proven guilty.
- The accused may lose their job and their family and dependents may suffer from hardships.
- Prisons are already overburdened & overcrowded.

## Way Forward

As long as there is no genuine flight risk and the crime is not serious, efforts must be made to give bail.

Lower courts & judiciary must be sensitized and take an empathetic stance, keeping in mind socio-economic status and dependents.

If any ~~of~~ undertrial is jailed, they must be set free if 70% of the time of the maximum punishment has been served.

Justice delayed is justice denied. Efforts must be made to speed up the judicial process to protect the accused from suffering unfairly.

Thus, bail should be granted except in exceptional circumstances. Principles of natural justice and 'Innocent until proven guilty' must be upheld.

### Feedback

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(P) = Poor

TOTAL MARKS

Q.10) Dispute redressal is the most important component of cooperative federalism. How does the Interstate Council facilitate the resolution of disputes related to states in India, and what are the challenges associated with this process? (10 marks, 150 words)

विवाद समाधान सहकारी संघवाद का सबसे महत्वपूर्ण घटक है। अंतरराज्यीय परिषद भारत में राज्यों से संबंधित विवादों के समाधान को कैसे सुविधाजनक बनाती है और इस प्रक्रिया से जुड़ी चुनौतियाँ क्या हैं? (10 अंक, 150 शब्द)

The Interstate Council is set up under Art 263 of the constitution. It comprises of the PM as its head, 6 union ministers, CMs of all states and administrators of UTs.

It is envisioned as a tool for cooperation on matters of common importance and grievance redressal between the states or between the union & the state.

### Facilitation of Resolution of Disputes

- Provides a platform for all the stakeholders to come together and voice their arguments and resolve the issue.
- Other states which are not directly involved can act as conciliators and provide innovative solutions.
- Periodic mechanism to discuss & resolve issues

## Challenges

- Not organised regularly
- Boycott by CMs of <sup>States ruled by</sup> Opposition Parties
- Party politics and alliances deter any meaningful resolution

The Inter state Council was envisaged as a tool for cooperative Federalism. It must be strengthened to strengthen our federal structure as well as the unity and integrity of the country.

### Feedback

(For OFFICE use only)

	(C)	(A)
AWIS		
CD & VA		
S & F		
P & R		

- (C) = Good
- (A) = Average
- (P) = Poor

TOTAL MARKS	
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Q.12) Electoral bond was brought in as a reform that was high on intent but has proved to be low on substance. Do you agree? Justify. (15 marks, 250 words)

चुनावी बॉन्ड को एक ऐसे सुधार के रूप में लाया गया था, जिसका इरादा उच्च था, लेकिन यह कमतर साबित हुआ है। क्या आप सहमत हैं? औचित्य सिद्ध कीजिए। (15 अंक, 250 शब्द)

Electoral Bonds were devised as a way to donate to political parties anonymously, ~~to~~ The intent was to prevent the collusion between the donors and the political parties to ensure the latter's independence & objectivity.

Pros :

- Anonymous donation prevent funders from exerting undue control over decisions of the parties
- Preserve democratic spirit
- Prevents corruption
- ~~Also~~ Prevents bribery
- Makes it easier to donate as it is tax free.
- Allows people to support the cause & policies they care about.

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## Cons of Electoral Bonds

- The anonymity implies that is often used for money laundering, and donating the proceeds of criminal activities
- Adds to criminalisation of politics
- Less transparency over funding of political parties
- Vested interests could promote certain causes more.

Thus, electoral bonds, though noble in intent have been used for nefarious purposes.

Greater transparency over the funding of political parties is crucial for maintaining the sanctity of the electoral process.



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Q.13) Considering the non-enforceable nature of fundamental duties and directive principles of state policy, critically examine their impact in socio-political norms. (15 marks, 250 words)

मौलिक कर्तव्यों और राज्य के नीति निर्देशक सिद्धांतों की गैर-प्रवर्तनीय प्रकृति को ध्यान में रखते हुए, सामाजिक-राजनीतिक मानदंडों में उनके प्रभाव की आलोचनात्मक परीक्षण कीजिए। (15 अंक, 250 शब्द)

The Fundamental Duties and DPSPs are enlisted in part ~~IV~~<sup>IV A and IV</sup> of the constitution respectively. They are non-enforceable but remain valuable guiding insights & orientations for the state & citizens alike.

Art 31C gives precedence to DPSP 39(c) and Art 39(c) over Fundamental Rights. This shows the dominant constitutional position they enjoy.

Though not directly enforceable, the govt has enacted various laws which uphold and enact the provisions of the DPSPs.

1. Art 38: The state shall secure a welfare state.

We can see this through the numerous welfare schemes and programmes that have been enacted.

Ex: MGNREGA, <sup>National</sup> Food Security Act etc

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2. Article 39A : provides for free legal aid to the vulnerable & poor sections

For this, the govt enacted the National Legal Services Authority Act to give free legal aid and ensure no one is denied justice because of their incapacity to afford it.

3. Article 45A : Provides for Early childhood care and development of children.

Numerous policies like National Education Policy 2020, Integrated Child Development Scheme have been introduced

4. DPSP provides for empowering Panchayats to act as units of local self government.

We have enacted 73rd & 74th Amendment Act to that effect to give constitutional protection to Panchayats & urban local bodies and decentralize democracy.

5. Art 50 provides for separation of powers between the Executive & legislature

The legislature has many devices to hold the Parliament accountable like Office of CA G, No Confidence motion, Adjournment Motion, Motion of censure.

Similarly, FDs though unenforceable garner respect to the country's ideals and foster tolerance, harmony.

The 11<sup>th</sup> FD provides an onus to on parents / guardians to send children aged 6-14 to school. This supports Art 21A and 51A.

Thus, though unenforceable, the DPSPs and FDs ensure continuity. They serve as moral precepts to the state and citizen and ensure that governance is carried out in a democratic, equitable and inclusive manner. They are instrumental for bringing about socio-political reform like democratic decentralisation, education and so forth. They must be cherished, respected and upheld.

### Feedback

(For OFFICE use)

	G	A
AWIS		
CD & VA		
S & F		
P & R		

G = Good

A = Average

P = Poor

TOTAL MARKS

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Q.14) Referring to the case laws through which the collegium system in India evolved, critically assess its functioning. (15 marks, 250 words)

उन केस कानूनों का उल्लेख करते हुए जिनके माध्यम से भारत में कॉलेजियम प्रणाली विकसित हुई, इसकी कार्यप्रणाली का आलोचनात्मक मूल्यांकन कीजिए। (15 अंक, 250 शब्द)

The collegium system evolved after a series of judgements. It took its present form in the ~~Three~~ ~~Judges~~ ~~Case~~ (Presidential Reference case). It deals with the procedure of appointment of supreme court & High Court Judges.

Premise :

The constitution <sup>under Art 124</sup> provides for the appointment of SC & HC judge by the President ~~and the~~ ~~advice~~ in consultation with the Chief Justice of India.

Issue: whether 'consultation' is mere consultation or means concurrence.

This evolved over a series of three cases.

i. First Judges Case: In this, the SC held that consultation is mere consultation, thereby according primacy to executive in appt of judges.

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2. Second Judges Case : In this, the SC evolved the beginnings of the collegium system. 'consultation' was held to mean *concurra*. The CJI, along with 2 senior most judges of the HC would app recommend judges who would then be appointed by the President.

3. Third Judges case : The SC further evolved the collegium system.

- (i) Appt of SC Judge by CJI and 4 senior most judges of SC.
- (ii) Appt of HC Judge : CJI, 2 senior most judges of SC and CJ of High Court.

The decision would be taken by majority. CJI enjoys veto power.

Thus, the present day collegium system evolved.

### Cons

- Not transparent, Opaque functioning
- Uncle Judges syndrome - accusations of nepotism.

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- Judiciary appearing not to care
- Proceedings or minutes are not made public
- Not a constitutional provision
- Role of executive has been complicated

1992:

- Safeguards independence of judiciary
- Powers vested by executive <sup>of independent</sup>

2003 Forward

- The SC has itself admitted that the collegium system is far from perfect.
- So, a mechanism since 2003 to
- wherein a committee decides upon the
- App of judges.

The collegium system is a mechanism for ensuring independence of judiciary so that it can be objective and impartial and <sup>uninfluenced</sup>. However, efforts must be made to make it more transparent.

MARKS	
Q.1	10
Q.2	10
Q.3	10
Q.4	10
Q.5	10
Q.6	10
Q.7	10
Q.8	10
Q.9	10
Q.10	10
Q.11	10
Q.12	10
Q.13	10
Q.14	10
Q.15	10
Q.16	10
Q.17	10
Q.18	10
Q.19	10
Q.20	10
Q.21	10
Q.22	10
Q.23	10
Q.24	10
Q.25	10
Q.26	10
Q.27	10
Q.28	10
Q.29	10
Q.30	10
Q.31	10
Q.32	10
Q.33	10
Q.34	10
Q.35	10
Q.36	10
Q.37	10
Q.38	10
Q.39	10
Q.40	10
Q.41	10
Q.42	10
Q.43	10
Q.44	10
Q.45	10
Q.46	10
Q.47	10
Q.48	10
Q.49	10
Q.50	10

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Q.15) Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways to restrain it. (15 marks, 250 words)

लोकतंत्र असहमति पर पनपता है; आलोचनात्मक और असहमतिपूर्ण आवाजें समाज को जीवंत बनाती हैं। आपकी राय में, क्या अमद्र भाषा पर प्रतिबंध वाक् और अभिव्यक्ति की स्वतंत्रता के अधिकार का उल्लंघन करती हैं? चर्चा कीजिए कि अमद्र भाषा समाज को कैसे प्रभावित करती है और इसे नियंत्रित करने के तरीके क्या हो सकते हैं। (15 अंक, 250 शब्द)

Freedom of speech and expression is guaranteed under Art 19 (1) (a).

Hate speech does not fall under the reasonable restrictions provided under Art 19(2).

Limitations on Hate Speech infringe?

To the extent that hate speech does not violate Freedom the reasonable restrictions under Art 19(2) it is valid.

However, if the hate speech results in

- incitement to offence
- sedition

threatens sovereignty

impacts friendly relations with foreign nations

disrupts public order.

Then, the hate speech may be limited as it forms a part of the reasonable restrictions.

Currently, forms of hate speech are

an offence under the Indian Penal Code.  
 ② Hate speech is illegal if it incites violence among communities.

## Impact of Hate Speech on Society

1. With the spread of the internet, increase in digital penetration, hate speech has increased manifold in the garb of anonymity.  
EX : It can take forms of cyber bullying, trolling, vilification
2. It can polarise society
3. Increase mistrust, disharmony
4. Weaken social fabric
5. Against constitutional tenets of inclusivity, tolerance and harmony
6. Freedom Marginalisation of minority communities, vulnerable sections
7. Free reign of hate speech will increase vigilantism, disruptions to public order
8. Negative impact on mental health, self image, confidence



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## Ways to Restrain Hate Speech

- content moderation on social media platforms to prevent unchecked proliferation of hate
- Reform IT Rules to take down hate speech
- Strengthen digital protection architecture
- Balance Freedom of speech and Expression with community interest.
- Sensitization in schools,
- Awareness of negative repercussions of hate speech

## Conclusion

Freedom of speech must be exercised within certain constitutional and moral limits. If the hate speech forms a part of reasonable restrictions, it must be curtailed. Looking at the ill effects of hate speech, it may be added as a reasonable restriction under Art 19(2). However, care must be taken to ensure that hate speech is not equated with dissent, disagreement or critique.

### Feedback

(For OFFICE use only)

	G	A
AWIS		
CD & VA		
S & F		
P & R		

G = Good  
A = Average  
P = Poor

TOTAL MARKS

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Q.16) Why is it important to ensure separation of powers between various organs of the State? Also, explain Indian model of separation of power with relevant provisions in the constitution. (15 marks, 250 words)

राज्य के विभिन्न अंगों के बीच शक्तियों का पृथक्करण सुनिश्चित करना क्यों महत्वपूर्ण है? साथ ही, संविधान में प्रासंगिक प्रावधानों के साथ सत्ता के पृथक्करण के भारतीय मॉडल की व्याख्या कीजिए। (15 अंक, 250 शब्द)

Separation of powers was propounded by French philosopher Montesquieu. It proposed a separate and independent area of functioning of the three organs of the state - Executive, legislature, Judiciary. This <sup>prevents</sup> ~~excludes~~ excessive concentration of power in any one organ.

~~India does not have a strict separation of~~ Importance of separation of power (SOP):

- Ensures that the three organs can work without overpowering the other and changing the structure into a more autocratic & tyrannical one.
- Checks & balances the other organs.
- Preserves democracy & rule of law.

India does not have a strict SOP as ~~the~~ the members of the Executive are drawn from legislature.

This is in contrast with the Presidential Form of Govt in the USA which ~~has~~ where the legislature & Executive are totally separate.

So, India has evolved a unique system of Checks & Balances to ensure independence of each organ.

⊗ Legislature and Judiciary  
Constitutional Provisions:

- Parliament cannot discuss conduct of judge unless an impeachment proceeding is under way.

- Courts cannot enquire into proceedings of Parliament.

- The salaries of Judges are charged on the consolidated Fund of India which means they aren't voted on by the Parliament.

- The Parliament can impeach judges for ~~crime~~ 'proved misbehaviour' or 'incapacity' by special majority.

## Legislature and Executive : Constitution Provisions

- MPs & MLAs can be disqualified for holding Office of Profit under the state
- Office of CA G : ensures financial accountability to legislature
- NO Confidence Motion

Thus, though India doesn't have strict separation of powers, it has evolved a unique system of checks & balances to suit its needs and ensure independence of each organ

### Feedback (For OFFICE use)

	(C)	(A)
AWIS		
CD & VA		
S & F		
P & R		
(C) = Good (A) = Average (P) = Poor		
TOTAL MARKS		

**Mentor Feedback Questions**

1 .....  
 2 .....  
 3 .....  
 4 .....  
 5 .....

**Test Goal**

1 .....   
 2 .....   
 3 .....

**Outcomes**

.....  
 .....  
 .....  
 .....  
 .....

**Marking Scheme**

Mark	Good	Average	Below average
10 Marker	3.75 – 5.0	3.0 – 3.5	< 3.0
15 Marker	5.75 – 7.0	4.0 – 5.5	< 4.0
✓	Key / Relevant Point		
✗	Vague / Irrelevant		

\* Subject to change without prior notice.